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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/783,633

02/14/2001

Steven R. Bailey

6006-009

2694

29335 7590 09/27/2012  
ROSENBAUM & SILVERT, P.C.  
1480 TECHNY ROAD  
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EXAMINER

MILLER, CHERYL L

ART UNIT

PAPER NUMBER

3738

NOTIFICATION DATE

DELIVERY MODE

09/27/2012

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

scotugno@rosenbaumsilvert.com

<b><i>Examiner-Initiated Interview Summary</i></b>	<b>Application No.</b> 09/783,633	<b>Applicant(s)</b> BAILEY ET AL.	
	<b>Examiner</b> CHERYL MILLER	<b>Art Unit</b> 3738	

All participants (applicant, applicant's representative, PTO personnel):

(1) CHERYL MILLER (Examiner). (3) \_\_\_\_.

(2) J. Peter Paredes (Reg No.57,364). (4) \_\_\_\_.

Date of Interview: 19 September 2012.

Type:    ☒ Telephonic    ☐ Video Conference  
           ☐ Personal [copy given to: ☐ applicant    ☐ applicant's representative]

Exhibit shown or demonstration conducted:    ☐ Yes    ☒ No.  
           If Yes, brief description: \_\_\_\_.

Issues Discussed    ☐101    ☐112    ☐102    ☐103    ☒Others  
           (For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: all.

Identification of prior art discussed: n/a.

**Substance of Interview**  
           (For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Applicant submitted a preliminary amendment on 8/23/2012 in response to the affirmed in part board decision. Examiner contacted Attorney for Applicant to notify them that preliminary amendment to the affirmed claims are not typically entered in these situations without the filing of an RCE since this would require new consideration of the amended claims. Examiner contacted Mr.Paredes to clarify whether Applicant wished to pursue all claims (affirmed and reversed) in further prosecution (this would require an RCE) or to take only the reversed claims in an allowance. Attorney for Applicant expressed interest in taking the reversed claims (77, 78, and 80-85) in the form of an allowance. After the two month period for response has expired, the examiner plans to not-enter the amendment filed 8/23/2012, and issue an allowance on claims 77, 78, and 80-85, cancelling the affirmed claims 68, 69, and 71-76.

**Applicant recordation instructions:** It is not necessary for applicant to provide a separate record of the substance of interview.

**Examiner recordation instructions:** Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/Cheryl Miller/ Examiner, Art Unit 3738	/THOMAS J SWEET/ Supervisory Patent Examiner, Art Unit 3738
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